

**U.S. Department of the Interior
Bureau of Land Management
White River Field Office
220 E Market St
Meeker, CO 81641**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-110-2011-0161-CX

CASEFILE/PROJECT NUMBER: COC75009

PROJECT NAME: Access Road to Lost Cause Material Site

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 2 S., R. 97 W.,
sec. 30, lots 1 and 2.

T. 2 S., R. 98 W.,
sec. 25, SE¹/₄NE¹/₄, SE¹/₄SW¹/₄, N¹/₂SE¹/₄, and SW¹/₄SE¹/₄;
sec. 36, N¹/₂NW¹/₄.

APPLICANT: Lost Cause, LLC

DESCRIPTION OF PROPOSED ACTION: Lost Cause, LLC requests a right-of-way for use of the existing road to the original homestead property. The road would be used to haul topsoil from Mined Land Reclamation Permit Number M-2010-084A. The road would be 1.75 miles long, 20 feet wide, and contain approximately 4.24 acres.

No additional disturbance outside of the existing road is authorized by this action.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5-3, BLM 1601.08) the following plan:

Name of Plan: White River Record of Decision and Approved Resource Management Plan (ROD/RMP).

Date Approved: July 1, 1997

Decision Number/Page: Page 2-49

Decision Language: "To make public lands available for the siting of public and private facilities through the issuance of applicable land use authorizations, in a manner that provides for reasonable protection of other resource values."

CATEGORICAL EXCLUSION REVIEW: The Proposed Action qualifies as a categorical exclusion under 516 DM 11.9, E16: *“Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.”*

The Proposed Action has been reviewed with the list of extraordinary circumstances (43 CFR 46.215) described in the table below.

Extraordinary Circumstance	YES	NO
a) Have significant adverse effects on public health and safety.		X
b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
g) Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places as determined by either the bureau of office.		X
h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		X
i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
j) Have a disproportionately high and adverse effect on low income or minority populations		X
k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly affect the physical integrity of such sacred sites.		X
l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

INTERDISCIPLINARY REVIEW:

The Proposed Action was presented to, and reviewed by, the White River Field Office interdisciplinary team on 8/2/2011. A complete list of resource specialists who participated in this review is available upon request from the White River Field Office. The table below lists resource specialists who provided additional remarks concerning cultural resources and special status species.

Name	Title	Resource	Date
Michael Selle	Archaeologist	Cultural Resources, Native American Religious Concerns	8/8/2011
Lisa Belmonte	Wildlife Biologist	Special Status Wildlife Species	8/5/2011
Zoe Miller	Ecologist	Special Status Plant Species	8/4/2011

REMARKS:

Cultural Resources: Issuance of a right-of-way on an existing road that does not authorize any new ground disturbance should not result in any new impacts to any currently known or potentially present cultural resources. The location of the access road in the very bottom of a drainage suggests that prehistoric resources, should any have been there, have already been severely impacted by erosional processes. A historic sheep camp is located on a gentle slope to the west of the road. Sheep camps are not generally considered eligible for nomination to or listing on the National Register of Historic Places (NRHP). There would be no anticipated irretrievable or irreversible impacts to the regional archaeological database as a result of issuing the right-of-way.

Native American Religious Concerns: No Native American religious concerns are known in the area, and none have been noted by Northern Ute tribal authorities. Should recommended inventories or future consultations with Tribal authorities reveal the existence of such sensitive properties, appropriate mitigation and/or protection measures may be undertaken.

Special Status Wildlife Species: There are no wildlife-related issues or concerns associated with the Proposed Action.

Special Status Plant Species: There are no special status plant species concerns associated with the Proposed Action.

MITIGATION: See attached Exhibit B.

COMPLIANCE PLAN: On-going compliance inspections and monitoring will be conducted by the BLM White River Field Office staff during operation. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

NAME OF PREPARER: Stacey Burke

NAME OF ENVIRONMENTAL COORDINATOR: Heather Sauls

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E16. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

Leslie 7/7/11
Acting Field Manager

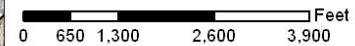
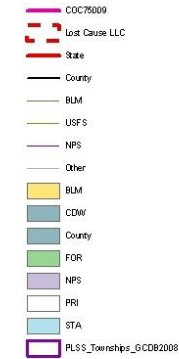
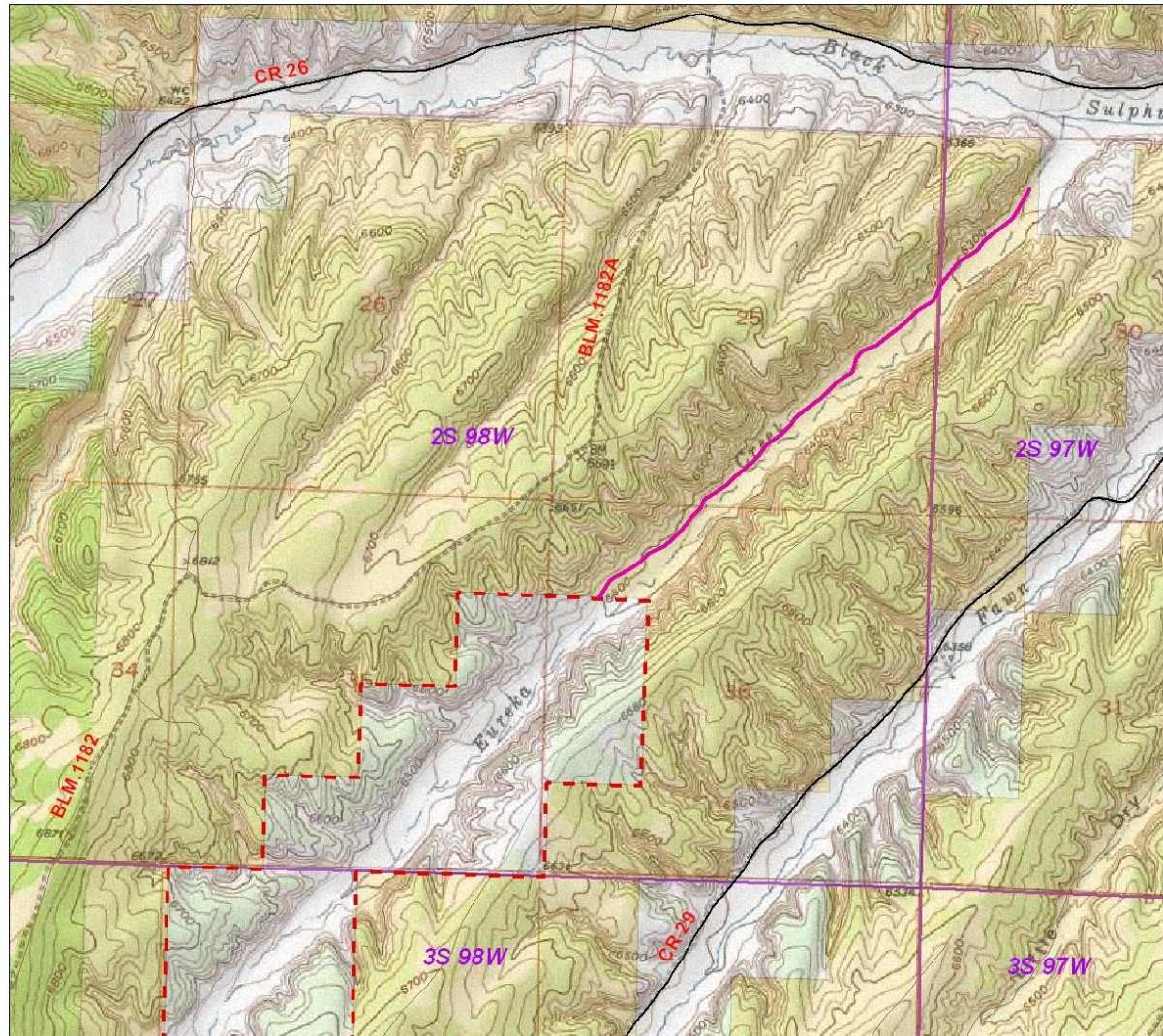
DATE SIGNED:

9/16/11

ATTACHMENTS: Exhibit A - Map of Proposed Action
Exhibit B - Mitigation

Access Road ROW COC75009 to Lost Cause LLC T2S, R98W

EXHIBIT A



Sources:
BLM, USGS, CDOW, etc.

Disclaimer:
Although the data presented within this map, and the map itself, have been processed successfully on computers of BLM, no warranty, expressed or implied, is made by BLM regarding the use of this map or the data represented, nor does the fact of distribution constitute or imply any such warranty.



July 2011

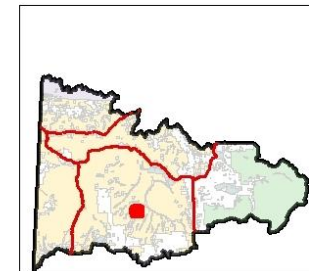


Exhibit B - Mitigation

1. Any proposal involving surface disturbance, such as replacement, maintenance, or expansion, requires an application to the BLM for analysis and authorization. New stipulations for construction would be applied to projects subject to the regulations and policies existing at the time of authorization.
2. The holder shall take such soil and resource conservation and protection measures, including weed control, on the land covered by the right-of-way as the United States representative in charge of such lands may request.
3. All authorized users of public lands are expected to know and comply with regulations governing the storage, handling, application (including licensing of applicators), and disposal of hazardous substances. Application of herbicides must be under field supervision of an Environmental Protection Agency (EPA) certified pesticide applicator. Herbicides must be registered by the EPA and application proposals must be approved by the BLM.
4. A release of any chemical, oil, petroleum product, produced water, or sewage, etc. (regardless of quantity) must be reported to the Bureau of Land Management – WRFO Hazardous Materials Coordinator at (970) 878-3800. The Colorado Department of Public Health and Environment (CDPHE) should be notified, if applicable, through the 24-hour spill reporting line at 1 (877) 518-5608.
5. Prior to the abandonment of the lands authorized by this grant, the holder shall contact the Authorized Officer (AO) to arrange a joint inspection of the right-of-way. The inspection will be held to agree on an acceptable abandonment and rehabilitation plan. The AO must approve the plan in writing prior to the holder commencing any abandonment and/or rehabilitation activities.
6. The holder of the ROW grant shall not convey, assign, or otherwise transfer, in whole or in part, without prior written approval by an Authorized Officer.
7. The holder of the ROW grant shall notify the Authorized Officer of any changes in the holder's status, such as changes in legal mailing address, financial condition, business or corporate status, and alien ownership.
8. All activity shall cease when soils or road surfaces become saturated to a depth of three inches unless there are safety concerns or if activities are otherwise approved by the Authorized Officer.
9. All activities shall comply with all applicable local, state, and federal laws, statutes, regulations, standards, and implementation plans. This would include acquiring all required state and Rio Blanco County permits and implementing all applicable mitigation measures required by each permit.
10. The holder is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts. If archaeological materials are discovered as a result of operations under this authorization, the holder must immediately contact the appropriate BLM representative.

11. The holder is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for disturbing or collecting vertebrate fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands. If any paleontological resources are discovered as a result of operations under this authorization, the holder must immediately contact the appropriate BLM representative.

12. Pursuant to 43 CFR 10.4(g) the holder of this authorization must notify the AO, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Authorized Officer.

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DECISION RECORD

PROJECT NAME: Access Road to Lost Cause Material Site

CATEGORICAL EXCLUSION NUMBER: DOI-BLM-CO-2011-0161-CX

DECISION

It is my decision to implement the Proposed Action, as mitigated in DOI-BLM-CO-2011-0161-CX, authorizing the operation and maintenance of an existing access road to transport topsoil from private property.

Mitigation Measures

See attached Exhibit B

COMPLIANCE WITH LAWS & CONFORMANCE WITH THE LAND USE PLAN

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

PUBLIC INVOLVEMENT

The BLM informed the public about this project by listing it on the online WRFO NEPA Register and a copy of the completed Categorical Exclusion will be posted on the WRFO website.

RATIONALE

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E16. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

ADMINISTRATIVE REMEDIES

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the

office of the Authorized Officer at White River Field Office, 220 East Market St., Meeker, CO 81641 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

SIGNATURE OF AUTHORIZED OFFICIAL:

Leslie 7/1/11 C, I
Acting Field Manager

DATE SIGNED:

9/16/11